IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.340 OF 2006

Indrayani A. Kale ....Appellant
V/s.
Raghunath K. Kale & Ors. ....Respondents

Mr.U.B. Nighot for the Appellant.

None for the Respondents.

CORAM : S.J. VAZIFDAR, J.
DATED : 7TH AUGUST, 2007.

P.C. :

1. The Plaintiff/Appellant claimed an interest in the entire suit property. Pursuant to the proceedings under the Bombay Tenancy and Agricultural Land Act, 1949, (hereinafter referred to as the "said Act") Defendant No.1/Respondent No.1 purchased a half portion of the said land. The purchase and certificate under Section 32 of the said Act has so far not been struck down though proceedings, I am informed, are pending in this regard.

2. The Plaintiff claims to be the owner on the basis of a sale-deed dated 15.6.1993 from the original owners. The leaned Judge has held that the sale is contrary to Section 64(8) of the said Act. This

finding is not challenged. Nor is a question raised on this aspect.

3. Thus even assuming that the Plaintiff had purchased the said property under the sale-deed dated 15.6.1993, no rights would be created in favour of the Plaintiff as the owner of the said property. It may be noted that the Plaintiff has not claimed any right on the basis of being a tenant and on the basis of Section 32 of the said Act. I therefore have not dealt with the same.

4. In the circumstances, no question of law arises. The Second Appeal is therefore dismissed.